

REMARKS

Claims 1-72 are pending in the present reissue application. With entry of this Amendment, Applicants amend claims 53-55, 59-61, 65, 67, 69 and 71, cancel claims 56-58, 62-64, 66, 68, 70 and 72 (without prejudice) and add claims 73-75. Reexamination and reconsideration are respectfully requested.

Applicants note with appreciation the allowance of claims 1-52.

The Examiner rejected claims 53-72 under 35 U.S.C. § 102(e) as being anticipated by Yamanoue et al. (US 5767430). The rejection is respectfully traversed.

The present invention relates to a system for synthesizing a musical tone. The present invention allows the system to generate a waveform of the musical tone based on control information at one of a plurality of sampling frequencies. The sampling frequency is selected based on the load on the system's processor. The system further stores a plurality of parameters (e.g., relating to tone control) that correspond to the plurality of sampling frequencies. When a sampling frequency is selected, a corresponding parameter(s) is read out. For example, the read-out parameter(s) may minimize any auditory effect resulting from a reduction of the sampling frequency. In this manner, a change to the sampling frequency will not result in a change in the auditory sensation of the musical tone (see, e.g., Col. 40, lines 52-58).

Applicants have amended claim 53 to recite "a memory that memorizes a plurality of parameters corresponding to a plurality of sampling frequencies for use in synthesizing the musical tone" and "a sound source module that generates a waveform of the musical tone based on the control information at one of the plurality of sampling frequencies selected according to the detected load imposed on the processor, the sound source module reading one of the plurality of parameters corresponding to said selected one of the plurality of sampling frequencies from the memory for use in generating the waveform." Claims 65 and 69 have been similarly amended.

Applicants have also amended claim 59 to recite “a memory that memorizes a plurality of parameters corresponding to a plurality of sampling frequencies for use in generating of the musical tone” and “the processor generates a waveform of the musical tone based on the control information at one of the plurality of sampling frequencies selected according to the detected load imposed on the processor, the processor reading one of the plurality of parameters corresponding to said selected one of the plurality of sampling frequencies from the memory for use in generating the waveform.” Claims 67 and 71 have been similarly amended.

Support for these amendments may be found throughout the specification and drawings including Col. 40, lines 16-58 and Figs. 40A and 40B.

In contrast, Yamanoue does not disclose reading parameters corresponding to a sampling frequency that is selected based on the processor load. Fig. 3 illustrates the operation of a sound source controller. Depending on the system load, the controller sets a timer interrupt interval. If the system load is high, the interval is set at 1/60 second. If the system load is low, the interval is set at 1/240 second. Yamanoue explains that, based on the timer interrupt interval, music data is read out for subsequent music generation (Col. 10, lines 42-67). Thus, Yamanoue is merely limited to changing the timer interrupt interval based on the system load. There is no disclosure that any parameters are read out based on the selected timer interrupt interval.

Accordingly, Applicants respectfully submit that independent claims 53, 59, 65, 67, 69 and 71 are not anticipated.

Applicants have added dependent claims 73 and 74 depending respectively from claims 53 and 59. Claims 73 and 74 recite a controller that controls the variable period at which the processor provides the control information according to the detected load. Applicants have also added dependent claim 75 that depends from claim 59 and recites a processor that executes a process of managing the system. Support for these new claims may be found throughout the specification and the drawings, including Col. 8, lines 12-15, Col. 35, lines 27-37 and Fig. 22.

Dependent claims 54 and 55 have been amended to depend from claim 73, dependent claim 60 has been amended to depend from claim 75 and dependent claim 61 has been amended to depend from claim 74. For at least the reasons set forth above, Applicants respectfully submit that dependent claims 54, 55, 60, 61 and 71-73 are not anticipated by Yamanoue.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **393032020730**.

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Respectfully submitted,

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